



Headquarters

Office of Communications
MS5L9, 300 E Street, SW
Washington, DC 20546-0001

July 10, 2019

Emma Best
MuckRock News
Dept MR 76391
411A Highland Ave
Somerville, MA 02144-2516
76391-53067055@requests.muckrock.com

REF: 19-HQ-F-00628

Dear Ms. Best,

We are in receipt of your FOIA request correspondence dated July 1, 2019, and received at the NASA Headquarters FOIA Office on July 2, 2019. Your request was assigned FOIA Case Number 19-HQ-F-00628 and seeks:

- Copies of records mentioning or describing Pride Month activities, events or observances in 2017, 2018 or 2019. This includes, but is not limited to:
 - * directives
 - * policies
 - * pride flag
 - * commemoration
 - * publications
 - * emails, memos, letters, and other communications with OGAs or the White House

Please be advised that NASA processes all FOIA requests in a multi-track processing system, based upon the date of receipt and the amount of work and time involved in processing the request. In accordance with 14 CFR § 1206.400(b), the Agency determines whether the request is simple or complex. Based on the documents you have requested, we are placing your request in the 'complex' processing queue and expect to process your request in 20 working days or more. The 20-day suspense date for your request is **July 31, 2019**. If we are unable to meet this suspense, we will notify you. Alternatively, you may wish to limit the scope of your request to allow us to place your request in the 'simple' processing queue.

You have requested to be categorized as a representative of the news media. In accordance with 14 CFR § 1206.507 (c)(3), (ii) A representative of the news media is any person or entity organized and operated to publish or broadcast news to the public that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. Examples of news media entities include television or radio stations that

broadcast “news” to the public at large and publishers of periodicals that disseminate “news” and make their products available through a variety of means to the general public. A request for records that supports the news-dissemination function of the requester shall not be considered to be for a commercial use. “Freelance” journalists who demonstrate a solid basis for expecting publication through a news media entity shall be considered as working for that entity. A publishing contract would provide the clearest evidence that publication is expected; however, NASA shall **also** consider a requester’s past publication record in making this determination.

Requesters seeking this fee category who do not articulate sufficient information to support their request will not be included in this fee category. NASA’s decision to grant a requester news media status for the purposes of assessing fees is made on a case-by-case basis based upon the requisite information explained above. Merely posting the documents on a website, or making them available to the public without providing an informative analysis of the information does not qualify a requester for the news media category.

Since your request for news media status is denied, provisions of the Act allow us to recover part of the cost of complying with your request. We therefore will charge you for records in accordance with the NASA’s FOIA regulations as they apply to noncommercial, or “other” requestors. As a non-commercial requestor, you are entitled to the first 100 pages, and the first two hours of search time at no cost. Since you have not indicated your willingness to pay any fees, we will process your request by granting you two hours of search time and 100 pages free of charge. *See* 14 CFR § 1206.507.

If applicable, further issues concerning processing of your request will be addressed in a separate letter. If I can be of further assistance, please contact me at 202-358-0680 or Mireya.P.Nyirenda@nasa.gov.

Sincerely,



MIREYA P. NYIRENDA
FOIA Public Liaison Officer